

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LINTON WILLIAMS, and all other)	
similarly situated,)	NO. CV-05-0099-LRS
)	
Plaintiff,)	ORDER
)	
-vs-)	
)	
JBC LEGAL GROUP, P.C., a)	
California Professional)	
Corporation, JBC & Associates,)	
P.C., Jack Hagop Boyajian,)	
)	
Defendants.)	

BEFORE THE COURT is Defendants' Motion For Summary Judgment or Alternatively Motion for Partial Summary Judgment Pursuant to FRCP 56 (Ct. Rec. 36), filed June 12, 2006; and Defendants' Motion to Strike Improper References to Unpublished Cases In Plaintiff's Opposition To Defendants' Motion For Summary Judgment and For Sanctions, To Be Heard on Expedited Basis (Ct. Rec. 54), filed August 22, 2006. A telephonic hearing was held August 31, 2006. Michael Kinkley participated on behalf of the Plaintiff; June Coleman participated on behalf of Defendants. The Court having considered the oral and written argument of counsel, enters this Order to memorialize the oral ruling of the Court, which is incorporated herewith. Accordingly,

IT IS ORDERED that:

1 1. Defendants' Motion for Summary Judgment or Alternatively Motion
2 for Partial Summary Judgment Pursuant to FRCP 56, **Ct. Rec. 36**, is **GRANTED**
3 **in part** and **DENIED in part**.

4 A. Summary judgment is **DENIED** with respect to the unlawful
5 misrepresentation in the collection of debts under the Fair
6 Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA").

7 B. Summary judgment is **DENIED** with respect to the lack of debt
8 collection license alleged to be in violation of the FDCPA.

9 C. Summary judgment is **GRANTED** with respect to the FDCPA §1692e(3)
10 claim based on the amount sought to be recovered.

11 D. Summary judgment is **GRANTED** with respect to the FDCPA §1692e(3)
12 claim based on letters being written on law firm letterhead.

13 E. Summary judgment is **GRANTED** with respect to the FDCPA §1692e(3)
14 claim based on alleged lack of meaningful involvement.

15 F. Summary judgment is **DENIED** with respect to the FDCPA §1692e(3)
16 claim based on misrepresentation of future civil or criminal
17 action.

18 G. Summary judgment is **GRANTED** with respect to the Washington
19 Collection Agency Act ("WCAA"). The WCAA does not provide a
20 private right of action.

21 H. Summary judgment is **GRANTED** with respect to the lack of debt
22 collection license alleged to be in violation of the WCAA.
23 The WCAA does not provide a private right of action.

24 I. Summary judgment is **DENIED** with respect to the Washington
25 Consumer Protection Act.

26 J. Summary judgment is **DENIED** with respect to the unlawful

1 practice of law claim.

2 K. Summary judgment is **DENIED** with respect to the alleged lack of
3 Article III standing claim.

4 2. Defendants' Motion to Strike Improper References to Unpublished
5 Cases In Plaintiff's Opposition To Defendants' Motion For Summary
6 Judgment and For Sanctions, To Be Heard on Expedited Basis, **Ct. Rec. 54**,
7 is **GRANTED**. The Court reserves the right to base its ruling on all
8 published decisions.

9 The District Court Executive is directed to file this Order and
10 provide copies to counsel.

11 **DATED** this 5th day of September, 2006.

12 *s/Lonny R. Suko*

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14 LONNY R. SUKO
15 UNITED STATES DISTRICT JUDGE
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